

**SENATE JOURNAL**  
OF THE  
**IDAHO LEGISLATURE**

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**SEVENTY-NINTH LEGISLATIVE DAY**  
**TUESDAY, MARCH 29, 2005**

Senate Chamber

President Risch called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Andreason, Brandt, Bunderson, Cameron, Gannon, Langhorst, Little, Malepeai, Pearce, Stegner, and Stennett, absent and excused. [District 21 seat temporarily vacant.]

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Noel Herrick, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 25, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senators Bunderson, Gannon, Langhorst, Little, and Stennett were recorded present at this order of business.

March 29, 2005

The JUDICIARY AND RULES Committee reports that **S 1235** has been correctly printed.

DARRINGTON, Chairman

**S 1235** was referred to the Finance Committee.

March 25, 2005

The JUDICIARY AND RULES Committee reports that **S 1174, S 1221, S 1222, and S 1223** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1174, S 1221, S 1222, and S 1223** and ordered them transmitted to the House for the signature of the Speaker.

March 25, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **S 1034, S 1035, S 1036**, as amended, **S 1044**, as amended, **S 1080, S 1122**, as amended in the House, **S 1129, S 1130**, as amended, **S 1134, S 1135, S 1136**, as amended, **S 1154**, as amended, **S 1156, S 1161**, as amended, **S 1166, S 1169, S 1193, S 1194**, and **S 1195** were delivered to the Office of the Governor at 1:00 p.m., March 25, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 25, 2005

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 116, SCR 117**, and **SJM 108** were delivered to the Office of the Secretary of State at 11:05 a.m., March 25, 2005.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 25, 2005

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Estella Zamora to the Idaho Commission on Human Rights, term to expire July 1, 2007.

BURTENSHAW, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 25, 2005

The FINANCE Committee reports out **S 1235** with the recommendation that it do pass.

CAMERON, Chairman

**S 1235** was filed for second reading.

March 29, 2005

The JUDICIARY AND RULES Committee reports out **H 325** with the recommendation that it do pass.

DARRINGTON, Chairman

**H 325** was filed for second reading.

March 29, 2005

The TRANSPORTATION Committee reports out **HJM 8** with the recommendation that it do pass.

BRANDT, Chairman

**HJM 8** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 28, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Russell M. Fulcher of Meridian, Idaho, to the office of State Senator, District 21. He will succeed Senator Jack Noble.

This appointment is effective March 28, 2005, and continuing until the next general election.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that pursuant to the provisions of Section 59-904A, *Idaho Code*, the District 21 Legislative Committee of the Republican Party has submitted a list of names for consideration in filling a vacancy in the Idaho State Senate.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Russell M. Fulcher, of Meridian, Idaho, to the office of State Senator, District 21, Ada County, for a term commencing on Monday, March 28, 2005, and continuing until the next general election when the term of office expires.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this twenty-eighth day of March, in the year of our Lord Two thousand and five and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ BY THE GOVERNOR DIRK KEMPTHORNE  
/s/ SECRETARY OF STATE BEN YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Senator Russell M. Fulcher and he was recorded present at this order of business.

The Senate advanced to the Ninth of Business.

#### Messages from the House

Senators Andreason, Brandt, Malepeai, Pearce, and Stegner were recorded present at this order of business.

March 28, 2005

Mr. President:

I transmit herewith **HCR 26, H 336**, as amended, **H 373**, as amended, **H 374**, as amended, and **H 392** which have passed the House.

JUKER, Chief Clerk

**HCR 26, H 336**, as amended, **H 373**, as amended, **H 374**, as amended, and **H 392** were filed for first reading.

March 28, 2005

Mr. President:

I return herewith **S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1180, S 1189, S 1104, S 1086**, as amended, **S 1163**, as amended, **S 1160, S 1224**, and **S 1225** which have passed the House.

JUKER, Chief Clerk

**S 1210, S 1211, S 1212, S 1213, S 1214, S 1215, S 1216, S 1180, S 1189, S 1104, S 1086**, as amended, **S 1163**, as amended, **S 1160, S 1224**, and **S 1225** were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2005

Mr. President:

I return herewith **S 1062**, as amended, as amended in the House, and **S 1164**, as amended, as amended in the House, which have passed the House.

JUKER, Chief Clerk

On request by Senator Bunderson, granted by unanimous consent, **S 1062**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Darrington, granted by unanimous consent, **S 1164**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 28, 2005

Mr. President:

I transmit herewith Enrolled **HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85**, as amended, **H 49**, as amended, **H 23, H 249, H 247**, as amended, **H 203**, as amended, **H 207, H 208**, as amended, **H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, H 283, H 213, H 219, H 220, H 221, H 238, H 280, H 299, H 253, H 215, H 265**, as amended, **H 188**, as amended, **H 282, H 277**, and **H 319** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 6, H 343, H 344, H 345, H 346, H 347, H 348, H 85**, as amended, **H 49**, as amended, **H 23, H 249, H 247**, as amended, **H 203**, as amended, **H 207, H 208**, as amended, **H 70, H 17, H 88, H 72, H 73, H 74, H 161, H 135, H 234, H 162, H 283, H 213, H 219, H 220, H 221, H 238, H 280, H 299, H 253, H 215, H 265**, as amended, **H 188**, as amended, **H 282, H 277**, and **H 319** and ordered them returned to the House.

March 28, 2005

Mr. President:

I return herewith Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208**, and **S 1209** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1074**, as amended, **S 1165, S 1200, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208**, and **S 1209** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

Senator Cameron was recorded present at this order of business.

The President announced the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jay Nielsen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Burkett, the Gubernatorial appointment of Jay Nielsen as a member of the State Board of Correction was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **HCR 20**, having been held, was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Burkett, **HCR 20** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SCR 119** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **SCR 119** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SJM 111** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McGee, seconded by Senator Malepeai, **SJM 111** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **SJM 112** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Stegner, seconded by Senator Malepeai, **SJM 112** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **HCR 21** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Lodge, seconded by Senator Malepeai, **HCR 21** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1062**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1062**, as amended, as amended in the House?"

On request by Senator Bunderson, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1062**, as amended, as amended in the House.

**S 1062**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to **S 1164**, as amended, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1164**, as amended, as amended in the House?"

On request by Senator Darrington, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1164**, as amended, as amended in the House.

**S 1164**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1236  
BY FINANCE COMMITTEE  
AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FORENSIC SERVICES FOR FISCAL YEAR 2006; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE PEACE OFFICER STANDARDS AND TRAINING ACADEMY FOR FISCAL YEAR 2006; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

**S 1236** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HCR 26**, by Ways and Means Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 336**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 373**, as amended, and **H 374**, as amended, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 392**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 331**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 364**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1231, S 1232, S 1233, and S 1234**, by Finance Committee, were read the second time at length and filed for third reading.

**H 291**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 100**, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**S 1179**, as amended in the House, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 269 and H 313**, by State Affairs Committee, were read the second time at length and filed for third reading, Consent Calendar.

**H 351**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 333**, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

**Messages from the Governor**

March 29, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Katsilometes of Pocatello, Idaho, was appointed as a member of the Idaho State Tax Commission to serve a term commencing March 25, 2005, and expiring March 8, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

March 29, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Severina "Sam" Haws of Boise, Idaho, was appointed as a member of the Idaho State Tax Commission to serve a term commencing April 1, 2005, and expiring April 1, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointments were referred to the Local Government and Taxation Committee.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator McGee, granted by unanimous consent, **H 230**, having been held, retained its place on the Third Reading Calendar for March 30, 2005.

**S 1150**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--McKenzie. Total - 1.

Total - 35.

Whereupon the President declared **S 1150**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Andreason to the Chair.

**S 1147**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1147**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**S 1191**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Stegner, Stennett, Sweet, Werk. Total - 29.

NAYS--Hill, Marley, Pearce, Richardson, Williams. Total - 5.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1191**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

**S 1173**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Gannon arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Schroeder. Total - 1.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **S 1173**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

**H 254**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Stegner, seconded by Senator Stennett, that **H 254**, as amended in the Senate, be referred to the Fourteenth Order of Business for amendment. The question being, "Shall the motion prevail?"

Pursuant to Senate Rule 39(H), Senator Hill disclosed a possible conflict of interest under applicable law and requested to be excused from voting on **H 254**, as amended in the Senate. His request was granted by unanimous consent.

Pursuant to Senate Rule 39(H), Senator Coiner disclosed a possible conflict of interest under applicable law.

Roll call vote was requested by Senators Little, Stegner, and Stennett.

The question being, "Shall the motion prevail to send **H 254**, as amended in the Senate, to the Fourteenth Order of Business for amendment?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Cameron, Coiner, Compton, Darrington, Davis, Gannon, Goedde, Kelly, Keough, Langhorst, Little, Lodge, Schroeder, Stegner, Stennett, Werk. Total - 19.

NAYS--Brandt, Broadsword, Burtenshaw, Corder, Fulcher, Geddes, Jorgenson, Malepeai, Marley, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 14.

Absent and excused-- McGee. Total - 1.

Excused from voting-- Hill. Total - 1.

Paired and voting included in roll call:

AYE - Darrington      NAY - Burtenshaw

AYE - Langhorst      NAY - Jorgenson

Total - 35.

Whereupon the President declared that the motion did prevail and **H 254**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

**H 145**, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, Malepeai, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Williams. Total - 28.

NAYS--Kelly, Marley, Stennett, Werk. Total - 4.

Absent and excused--Darrington, Langhorst, McGee. Total - 3.

Total - 35.

Whereupon the President declared **H 145**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 272**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Williams. Total - 26.

NAYS--Burkett, Corder, Kelly, Langhorst, Malepeai, Marley, Werk. Total - 7.

Absent and excused--Brandt, McGee. Total - 2.

Paired and voting included in roll call:

AYE - Darrington      NAY - Langhorst

Total - 35.

Whereupon the President declared **H 272**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 110**, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Andreason, Jorgenson, Stegner. Total - 3.

Absent and excused--Brandt, McGee. Total - 2.

Paired and voting included in roll call:

AYE - Darrington      NAY - Jorgenson

Total - 35.

Whereupon the President declared **H 110**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

### Reports of Standing Committees

March 29 , 2005

The JUDICIARY AND RULES Committee reports that **S 1062**, as amended, as amended in the House, and **S 1164**, as amended, as amended in the House, have been correctly engrossed.

DARRINGTON, Chairman

**S 1062**, as amended, as amended in the House, and **S 1164**, as amended, as amended in the House, were filed for first reading.

March 29, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **HJM 5** with the recommendation that it do pass.

SCHROEDER, Chairman

**HJM 5** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1237**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2006.

**S 1237** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1062**, as amended, as amended in the House, and **S 1164**, as amended, as amended in the House, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate recessed at 12:45 p.m. until the hour of 1:45 p.m. of this day.

**RECESS**

**AFTERNOON SESSION**

The Senate reconvened at 1:45 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except President Pro Tempore Geddes; and Senators Andreason, Burkett, Fulcher, Gannon, Goedde, Jorgenson, Marley, Pearce, Schroeder, and Stegner, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

President Pro Tempore Geddes and Senators Andreason, Burkett, Fulcher, Gannon, Goedde, Jorgenson, Marley, Pearce, and Stegner were recorded present at this order of business.

**S 1229** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared **S 1229** passed, title was approved, and the bill ordered transmitted to the House.

Senator Schroeder was recorded present at this order of business.

**H 353** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 353** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Schroeder to the Chair.

**H 240** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 240** passed, title was approved, and the bill ordered returned to the House.

**H 300** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Stennett. Total - 2.

Total - 35.

Whereupon the Acting President declared **H 300** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 306**, as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Bunderson and Corder arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Compton, Goedde, Jorgenson, Little, Stegner. Total - 5.

Total - 35.

Whereupon the President declared **H 306**, as amended, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 323**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 323**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 318** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Langhorst arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 318** passed, title was approved, and the bill ordered returned to the House.

**H 354** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 354** passed, title was approved, and the bill ordered returned to the House.

**H 301** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 301** passed, title was approved, and the bill ordered returned to the House.

**H 326** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:



AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 326** passed, title was approved, and the bill ordered returned to the House.

**H 334** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 334** passed, title was approved, and the bill ordered returned to the House.

**H 226** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 226** passed, title was approved, and the bill ordered returned to the House.

**H 227** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 227** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

## Reports of Standing Committees

March 29, 2005

The EDUCATION Committee reports out **H 315** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **H 315** was referred to the Fourteenth Order of Business, General Calendar.

The Senate advanced to the Seventh Order of Business.

## Reports of Special Committees

The President Pro Tempore reported that Senator Fulcher will serve on the following Senate committees for the remainder of the First Regular Session of the Fifty-Eighth Idaho Legislature, replacing Senator Jack Noble who resigned:

Agricultural Affairs Committee  
Education Committee  
Transportation Committee

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

## Messages from the House

March 29, 2005

Mr. President:

I transmit herewith **H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, and H 385** which have passed the House.

JUKER, Chief Clerk

**H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, and H 385** were filed for first reading.

March 29, 2005

Mr. President:

I transmit herewith **H 376, H 386, H 369**, as amended, and **H 394** which has passed the House.

JUKER, Chief Clerk

**H 376, H 386, H 369**, as amended, and **H 394** were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1238**

**BY FINANCE COMMITTEE**

**AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDIRECT SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE INDIRECT SUPPORT SERVICES PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2006; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR THE PHYSICAL HEALTH SERVICES PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAL ASSISTANCE SERVICES PROGRAM FOR FISCAL YEAR 2005; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND PROVIDING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

**S 1238** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384,** and **H 385**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 376**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 386**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 369**, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 394**, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 331** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 331** was read the third time at length, section by section, and put upon its final passage.

**H 331** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 331** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Goedde, granted by unanimous consent, the following Statement of Legislative Intent of **H 331** was ordered spread upon the pages of the Journal:

**STATEMENT OF LEGISLATIVE INTENT**

**H 331**

The current physician's reimbursement system employed by the Industrial Commission is seriously flawed. The Advisory Committee to the Industrial Commission has struggled unsuccessfully to correct the problem for over two years. **H 331** adopts a fee schedule and affords the Industrial Commission the authority to set conversion factors. It is understood that overall physician reimbursement may decrease by 10% by taking into consideration current billings for services outside the norm. The Industrial Commission shall consider conversion factors employed by health insurers in Idaho as well as conversion factors employed by other states in our region when establishing the original conversion factors.

Additionally, when setting conversion factors, the Commission must be conscious of the need for access to services for injured workers. Should the legislature find that the Commission has not exercised diligence and restraint, it is acknowledged that future legislatures may opt to establish said factors in statute.

**Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 364** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 364** was read the third time at length, section by section, and put upon its final passage.

**H 364** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 364** passed, title was approved, and the bill ordered returned to the House.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1231** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1231** was read the third time at length, section by section, and put upon its final passage.

**S 1231** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1231** passed, title was approved, and the bill ordered transmitted to the House.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1232** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1232** was read the third time at length, section by section, and put upon its final passage.

**S 1232** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1232** passed, title was approved, and the bill ordered transmitted to the House.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1233** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1233** was read the third time at length, section by section, and put upon its final passage.

**S 1233** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1233** passed, title was approved, and the bill ordered transmitted to the House.

#### **Suspension of Rules**

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1234** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1234** was read the third time at length, section by section, and put upon its final passage.

**S 1234** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Andreason, Bunderson. Total - 2.

Total - 35.

Whereupon the President declared **S 1234** passed, title was approved, and the bill ordered transmitted to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 291**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 291**, as amended in the Senate, was read the third time at length, section by section, and put upon its final passage.

**H 291**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Burkett, Burtenshaw, Coiner, Compton, Corder, Gannon, Goedde, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Schroeder, Stegner, Stennett, Werk. Total - 24.

NAYS--Cameron, Darrington, Davis, Fulcher, Geddes, Hill, Jorgenson, Richardson, Sweet, Williams. Total - 10.

Absent and excused--Bunderson. Total - 1.

Total - 35.

Whereupon the President declared **H 291**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator McKenzie, granted by unanimous consent, **H 100**, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1179**, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1179**, as amended in the House, was read the third time at length, section by section, and put upon its final passage.

**S 1179**, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1179**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 351** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 351** was read the third time at length, section by section, and put upon its final passage.

**H 351** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hill, Jorgenson, Little, Lodge, Marley, McGee, McKenzie, Pearce, Richardson, Sweet, Williams. Total - 23.

NAYS--Broadsword, Burkett, Coiner, Gannon, Kelly, Keough, Langhorst, Malepeai, Schroeder, Stegner, Stennett, Werk. Total - 12.

Total - 35.

Whereupon the President declared **H 351** passed, title was approved, and the bill ordered returned to the House.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 333** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 333** was read the third time at length, section by section, and put upon its final passage.

**H 333** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 333** passed, title was approved, and the bill ordered returned to the House.

### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 269** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 269** was read the third time at length, section by section, and put upon its final passage.

**H 269** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bunderson, Burkett, Coiner, Darrington, Davis, Gannon, Kelly, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 18.

NAYS--Brandt, Broadsword, Burtenshaw, Cameron, Compton, Corder, Fulcher, Geddes, Goedde, Hill, Jorgenson, Keough, McGee, Pearce, Richardson, Sweet, Williams. Total - 17.

Total - 35.

Whereupon the President declared **H 269** passed, title was approved, and the bill ordered returned to the House.

### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 313** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 313** was read the third time at length, section by section, and put upon its final passage.

**H 313** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 313** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 5:55 p.m. until the hour of 10:30 a.m., Wednesday, March 30, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary